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Attorneys for Defendant DUC NGUYEN, M.D.

IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE NORTHERN DISTRICT

GERALD RIGHETTI ,

Plaintiff,

v.

CALIFORNIA DEPARTMENT OF
CORRECTIONS AND REHABILITATION, ET
AL. ,

Defendants.

Case No. 3:11-CV-02717-EMC

STIPULATION AND REQUEST TO
EXTEND TIME FOR DEFENDANT
DUC NGUYEN, M.D. TO RESPOND
TO PLAINTIFFS' SECOND
AMENDED COMPLAINT ; ORDER

Trial Date: Not Set
Complaint Filed: 6/6/2011;
Amended 6/1/2012

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Pursuant to Local Rules 6-1(b) and 6-2, Plaintiff Gerald S. Righetti and defendant Duc Nguyen, M.D. by and through their respective counsel hereby stipulate to and request that defendant Duc Nguyen, M.D. have until 14 days after the parties' next Case Management Conference (currently set for January 3, 2012), to answer or otherwise respond to Plaintiff's Second Amended Complaint.

Dated: November 29, 2012

Respectfully submitted,

HARDY ERICH BROWN & WILSON
A Professional Law Corporation

/s/Cameron L. Cobden

By _____

JOHN P. RHODE
CAMERON L. COBDEN
Attorneys for Defendant Dr. Duc Nguyen

Dated: November 29, 2012

Respectfully submitted,

O'MELVENY & MYERS LLP

/s/ Meghan Woodsome¹

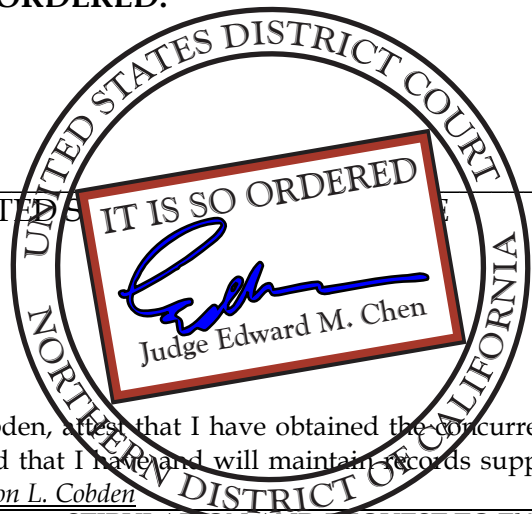
By _____

DARIN SNYDER
MEGHAN WOODSOME
DIXIE NOONAN
Attorneys For Plaintiff Gerald S. Righetti

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: November 29, 2012

UNITED STATES



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&
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Established in 1967

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¹ Pursuant to Local Rule 5-1(i)(3), I, Cameron L. Cobden, attest that I have obtained the concurrence of Megan Woodsome in the filing of this document and that I have and will maintain records supporting this concurrence for production as required. */s/Cameron L. Cobden*

DECLARATION IN SUPPORT

I, Cameron L. Cobden, declare as follows:

1. At the hearing before the Court on defendant Duc Nguyen, M.D.'s motion to dismiss, the Court stated that it would decide at the upcoming Case Management Conference whether Plaintiff would have leave to amend after opportunity to perform additional factual development and/or pursue limited discovery.

2. Following the court's dismissal of the medical negligence portion of Plaintiff's complaint as to Dr. Nguyen, Dr. Nguyen's representation was tendered to the Office of the Attorney General. It is anticipated that the status of Dr. Nguyen's representation will be settled on or about December 14, 2012.

3. Granting this stipulated request would conserve the Parties' and the Court's resources by obviating the need to relitigate the sufficiency of a complaint that has not been amended as to defendant Dr. Nguyen and to which this Court has already issued an order.

4. Accordingly, the Parties respectfully request that Dr. Nguyen be allowed to defer responding to the Second Amended Complaint until 14 days after the next Case Management Conference, to the extent not otherwise affected by other orders of the Court.

5. Plaintiff and defendant Dr. Nguyen are not aware of any effects on the schedule of this case caused by this stipulation and request.

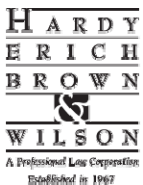
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Respectfully submitted,

HARDY ERICH BROWN & WILSON
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/s/Cameron L. Cobden

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CAMERON L. COBDEN
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